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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,297	12/12/2003	Kenneth A. Alley	ALLE-P10-US	9958

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LAW OFFICES OF MARK A. GARZIA, P.C.  
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BOOTHWYN, PA 19061

EXAMINER
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LEE, PING

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/735,297

Applicant(s)

ALLEY, KENNETH A.

Examiner

Ping Lee

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/5/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 is a duplicate of claim 11. Claim 12 should be modified or cancelled.
2. Claim 8 is objected to because of the following informalities: the phrase within the parentheses should be canceled since it does not provide any patentable limitation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Stafford et al (hereafter Stafford) (US 4,754,486).

Regarding claims 1 and 5, Stafford discloses a safety apparatus for use with an audio device ("audio system"), the audio device having an output circuit (8, 10, 11) for controlling a signal (left or right input signal) to a means for outputting sound (13, 14), the safety apparatus comprising:

a) a detector circuit for detecting the presence of a pre-determined sound (20, 1-6);

b) a mute circuit (7) connected to the detector circuit and cooperative with the audio device for controlling the output circuit (8, 10, 11) and hereby permitting the mute circuit to control said signal to the means for outputting sound.

Regarding claims 2 and 3, Stafford shows that said means for outputting sound is a head phone or a speaker (see Fig. 3).

Regarding claim 4, Stafford shows that the mute circuit turns off the signal to the means for outputting sound (col. 6, lines 62-63).

Regarding claim 6, Stafford shows the siren (col. 7, line 2).

Regarding claim 7, Stafford shows the input means (R100).

5. Claims 8, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Obara (JP 408083090A).

Regarding claims 8, 13 and 14, Obara discloses a portable safety apparatus for use by disabled person, the safety apparatus comprising:

a detector circuit for detecting the presence of a pre-determined sound (siren) ;  
a notice circuit (vibrator) connected to said detector circuit, and useable by the disabled person to notify said disabled person of the presence of a pre-determined sound.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obara in view of Robinett (US 2002/0012291).

Regarding claim 9, Obara fails to show input means to allow the customization of the notice circuit for modifying the types of notice (mute, visual, tactile) given to the person. Robinett teaches a warning device for a person with disability with an input means allowing that person to modify the types of notice to the person based on the selected events. Thus, it would have been obvious to one of ordinary skill in the art to modify Obara in view of Robinett by having input means allowing the person to modify the notice according to his/her preference.

8. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obara in view of Reiter (US 4,991,126).

Regarding claims 10-12, Obara fails to provide any drawing showing the device carried by the disable person. However, one skilled in the art would have expected that the device could be designed and carried by the person in numerous ways as long as the disable person would be able to sense the notification. Reiter teaches, in Fig. 8, a portable notification device to be worn by the disable person. Thus, it would have been obvious to one of ordinary skill in the art to modify Obara in view of Reiter by mounting

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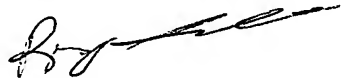
the portable device to the neck in order to free the hands of the disable person to carry other necessities.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ping Lee  
Primary Examiner  
Art Unit 2615

pwl